

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL EDWARD OTTINGER, JR. (1),

Defendant.

Case No. 10CR5016-H

**ORDER GRANTING
DEFENDANT’S MOTION TO
COMPEL U.S. PROBATION TO
CORRECT PRESENTENCE
REPORT**

(Doc. No. 1676.)

Pending before the Court is Defendant Michael Edward Ottinger, Jr.’s (“Defendant”) *pro se* motion to compel the United States Probation Office to correct an error in his presentence report (“PSR”) regarding his 2002 state court conviction. (Doc. No. 1676.) After review of the Defendant’s motion and pursuant to Rule 36 of the Federal Rules of Criminal Procedure¹, the Court GRANTS the Defendant’s motion to compel U.S. Probation to correct the PSR. See United States v. Taylor, No. 6:11-CR-00008-2, 2014 WL 6388470, at *4 (W.D. Va. Nov. 14, 2014) (Moon, J.) (Granting a defendant’s motion to correct the PSR under Rule 36 after sentencing.). Accordingly, the Court orders U.S. Probation to amend the PSR to indicate that the Defendant’s


¹ Rule 36 provides that “[a]fter giving any notice it considers appropriate, the court may at any time correct a clerical error in a judgment, order, or other part of the record, or correct an error in the record arising from oversight or omission.”

1 2002 state court conviction was for manufacturing a controlled substance and further
2 orders U.S. Probation to delete references to manufacturing a controlled substance with
3 a child present. (See PSR, Doc. 906 at 14, para. 59.) The Court further orders U.S.
4 Probation to file the amended PSR and to transmit the amended PSR to the Bureau of
5 Prisons.

6 The Clerk is directed to send a copy of this order to the Defendant and to the
7 U.S. Probation Office.

8 IT IS SO ORDERED.

9 DATED: December 15, 2020


HONORABLE MARILYN L. HUFF
UNITED STATES DISTRICT JUDGE